

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHRISTOPHER WARD-MALONE,

Defendant.

No. CR12-4068-LTS

**MEMORANDUM
OPINION AND SHOW
CAUSE ORDER**

This matter is before me on defendant Christopher Ward-Malone's pro se motion (Doc. 269) requesting relief from his criminal judgment.

Ward-Malone's case history is long and has been set out in numerous previous orders. *See, e.g.*, Doc. 180. In short, his case is closed. His appeals have been denied, as have his authorized habeas motions.¹ Since exhausting his legitimate post-conviction avenues for relief, Ward-Malone has filed a constant stream of motions. *See, e.g.*, Docs. 130, 146, 147, 150, 179, 189, 192, 201, 243. On August 15, 2023, I entered an order (Doc. 249) denying one of Ward-Malone's many motions and stated:

Ward-Malone's current motion is denied for the reasons set out in the Government's resistance. Specifically, this motion is nothing more than another attempted end around the bar on successive § 2255 motions. *See Boyd v. United States*, 304 F.3d 813, 814 (8th Cir. 2002) (per curiam) ("[i]f the district court determines the Rule 60(b) motion is actually a second or successive habeas petition, the district court should dismiss it for failure to obtain authorization from the Court of Appeals..."). Thus, Ward-Malone's motion (Doc. 245) is denied, and no certificate of appealability shall issue.

¹ As the Government noted in a prior filing (Doc. 248), Ward-Malone has requested leave to file a second or successive 28 U.S.C. § 2255 motion at least eight times and has been denied each time by the Eighth Circuit Court of Appeals.

Id., at 1-2. I went on to state that:

Finally, I note that I have previously admonished Ward-Malone about filing frivolous motions for discovery and he has been informed that such motions will be summarily denied. *See* Doc. 197. Regardless, Ward-Malone has continued to file frivolous requests. *See* Doc. 243. Ward-Malone is hereby put on notice that any further frivolous filings will result in an order requiring him to show cause as to why he should not be monetarily sanctioned.

Id., at 2. Ward-Malone appealed that order. Doc. 251. The Eighth Circuit Court of Appeals construed the appeal to be a motion to file a successive § 2255 motion and denied it. Doc. 267.

Ward-Malone's current motion (Doc. 269) is another attack on his judgment that is possible only via a § 2255 motion, which he has not received authorization to file. Thus, his motion (Doc. 269) is **denied** and a certificate of appealability shall **not issue**. Additionally, Ward-Malone is given 30 days to show cause why he should not be sanctioned.² If Ward-Malone fails to respond to this order or fails to explain why he should not be sanctioned, he will be ordered to pay a monetary sanction of \$405, the standard cost of filing a civil action in this court.³

IT IS SO ORDERED this 7th day of May, 2024.



Leonard T. Strand
United States District Judge

² The Government may reply to Ward-Malone's show cause response within 14 days after that response is filed.

³ I find the cost of filing a new civil case to be the appropriate first sanction for a criminal defendant who abuses the judicial process by repeatedly filing frivolous motions. If future sanctions become necessary, the price will increase.